

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CRAIG CUNNINGHAM,

Plaintiff,

v.

Civil Case Number 15-00847
Honorable David M. Lawson
Magistrate Judge Barbara D. Holmes

PETER POLSELLI, RICK FREEMAN,
THE 7 FIGURE WEALTH CORPORATION,
CHRISTIAN KINNEY, CORAZON
MANAGEMENT GROUP, INC., JEFFREY
HOWARD, SUSIE TREMBLAY-BROWN,
MULTIPLEX SYSTEMS, INC., WALTER
PETERSON, MY MINDS EYE, LLC,
JERRY MAURER, DAVE HILL, JL NET
BARGAINS, INC., and JOHN/ JANE DOE'S 1-10,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, AND DISMISSING COUNT II**

Presently before the Court is the report issued on June 23, 2017 by Magistrate Judge Barbara D. Holmes pursuant to 28 U.S.C. § 636(b), recommending that the plaintiff's motion for summary judgment be denied and that Count II of the third amended complaint be dismissed. The magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report. No objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #239] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #194] is **DENIED**.

It is further **ORDERED** that Count II of the third amended complaint is **DISMISSED** against all defendants.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge
Sitting by special designation

Dated: July 10, 2017